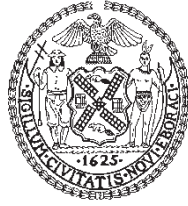


MEMO ENDORSED

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/23/2021



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December 23, 2021

By ECF

Hon. Valerie E. Caproni
United States District Court
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square,
New York, NY 10007

Re: Kane, et al. v. de Blasio, et al., Dkt. 21 Civ. 7863 (Lead Case)
Keil, et al. v. The City of New York, et al., Dkt. 21 Civ. 8773

Dear Judge Caproni:

I am an Assistant Corporation Counsel in the office of Georgia M. Pestana, Corporation Counsel for the City of New York, attorneys for the defendants in the above-referenced case. I write to seek clarification from the Court on the parties' next deadline, in light of the Second Circuit's December 21, 2021 Order granting in part and denying in part plaintiffs' emergency motions to enjoin enforcement of the COVID-19 vaccine mandate on DOE employees and contractors. *See* Dkt. 94. The Second Circuit indicated in its Order that its motions panel will be hearing plaintiffs' motion on Tuesday, January 18, 2022, and ordered that pending a decision from the motions panel, plaintiffs' deadlines relating to whether to opt-in to the DOE's leave program shall be stayed, and no steps shall be taken to terminate plaintiffs.

In light of the Second Circuit's Order and the fact that the motions panel will be hearing plaintiffs' appeal on January 18, 2022, defendants request clarification regarding whether the parties should still plan to file a joint letter on January 7, 2022, as ordered by the Court on

December 17, 2021 (Dkt. 93), or whether that is now moot and/or should be held in abeyance pending the Second Circuit's ruling on plaintiffs' appeal.

Respectfully submitted,

/s/ Amanda Croushore

Assistant Corporation Counsel

This matter is not currently stayed. The January 7, 2022 deadline for the filing of the consolidated amended complaint and the joint letter (Dkt. 93) remains in effect. If any of the parties believe a stay is appropriate, they are welcome to file a motion requesting the case be stayed pending resolution of the appeal. Any such motion must indicate whether the other parties consent *vel non* to the entry of a stay.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni", with a stylized flourish at the end.

Date: December 23, 2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE